

Message Text

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ACTION ACDA-10

INFO OCT-01 ISO-00 ACDE-00 AF-08 ARA-06 CIAE-00 DODE-00

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INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY THE HAGUE

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C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 6871

DISTO

E.O. 11652: GDS

TAGS: PARM, CCD

SUBJ: CCD - ENMOD WORKING GROUP AGREES AD REFERENDUM ON
COMPLETE CONVENTION TEXT

1. SUMMARY: ENMOD WORKING GROUP AUG 27 AGREED AD REFEREN-
DUM ON COMPLETE CONVENTION TEXT. US DEL'S ACCEPTANCE OF
COMPROMISE FORUMLATIONS IN PREAMBLE AND ARTICLES ON
REVIEW CONFERENCES AND PEACEFUL USES ENABLED RETENTION
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OF ORIGINAL TEXT OF ARTICLE EMBODYING FUNDAMENTAL

US POSITION ON TREATY SCOPE. THIS MESSAGE DESCRIBES WORKING GROUP'S TREATMENT OF PRINCIPAL SUBSTANTIVE ELEMENTS OF CONVENTION AT AUG 26-27 MEETINGS, APPRAISES ATTITUDES OF CCD MEMBERS, ESPECIALLY NON-ALIGNED, TOWARD RESULTING AD REFERENDUM TEXT, DISCUSSES SOME TACTICAL CONSIDERATIONS, AND RECOMMENDS THAT US DEL BE AUTHORIZED TO ACCEPT TEXT AT SEPT 1 WORKING GROUP MEETING. END SUMMARY.

2. IN PROLONGED MEETINGS AUG 26-27, WORKING GROUP REACHED AD REFERENDUM AGREEMENT ON COMPLETE TEXT OF DRAFT ENMOD CONVENTION (TEXT OF CONVENTION AND COMMITTEE UNDERSTANDINGS SENT SEPT 1). SEVERAL FORMULATIONS ADOPTED ON AD REFERENDUM BASIS, ESPECIALLY IN PREAMBLE AND REVIEW CONFERENCE ARTICLE, HAD BEEN WORKED OUT IN INFORMAL CONSULTATIONS INVOLVING KEY DELS HELD AUG 24 AND 25. US DEL MADE CLEAR, BOTH IN THESE CONSULTATIONS AND IN WORKING GROUP, THAT IT HAD NO AUTHORIZATION TO ACCEPT NEW LANGUAGE, BUT THAT IT WAS PREPARED TO RECOMMEND US ACCEPTANCE OF COMPROMISE FORMULATIONS PROVIDED THEY WERE COMPATIBLE WITH BASIC US POSITIONS AND COULD ENSURE WIDE SUPPORT INT THE COMMITTEE FOR CONVENTION AS A WHOLE.

3. CCD DELEGATIONS WILL NOW REPORT AD REFERENDUM TEXT TO CAPITALS AND SEEK RESPONSE BY OPENING OF BUSINESS WEDNESDAY, SEPT 1, SO THAT WORKING GROUP CAN FINANLIZE ITS REPORT AND SEND TEXT TO CCD PLENARY. PROVIDED THAT NO DELEGATION CHOOSES TO BLOCK A CONSENSUS, CCD WILL TAKE PROCEDURAL DECISION EITHER THURSDAY OR FRIDAY TO TRANSMIT DRAFT AGREEMENT TO UNGA AS ANNEX TO ITS ANNUAL REPORT. SUCH A DECISION WOULD NOT IMPLY ENDORSEMENT OF TEXT OR INTENTION TO JOIN TREATY, SINCE DELEGATIONS ACCEPTING THE CONSENSUS COULD STILL RESERVE THE RIGHT TO OPPOSE THE DRAFT AT UNGA.

4. WHILE NO DELEGATION AT AUG 27 MEETING WAS PREPARED TO BLOCK COMPLETION OF AD REFERENDUM TEXT, SEVERAL EXPRESSED RESERVATIONS ABOUT A NUMBER OF FORMULATIONS THAT WERE INCORPORATED. CONFIDENTIAL

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CONSIDERABLE UNCERTAINTY THEREFORE EXISTS CONCERNING HOW CERTAIN GOVTS, PARTICULARLY AMONG THE NON-ALIGNED GROUP, WILL REACT TO PRESENT TEXT. IT IS CLEAR, HOWEVER, THAT BOTH MEXICO AND ARGENTINA WILL RESERVE THEIR POSITION ON CONTENTS OF DRAFT AND THEIR RIGHT TO OPPOSE TEXT ON THE FLOOR OF UNGA FIRST COMMITTEE.

5. MEXICAN DELOFF (MARIN) STATED IN AUG 27 MEETING THAT

ART I WAS "TOTALLY UNACCEPTABLE" AND THAT ACCORDINGLY MEXICO DID NOT BELIEVE TEXT OF CONVENTION SHOULD EVEN BE TRANSMITTED TO UNGA. (ASKED BY US DELOFF AFTER THE MEETING WHETHER THIS MEANT MEXICO WOULD TAKE UNPRECEDENTED STEP OF BLOCKING PROCEDURAL CONSENSUS TO TRANSMIT TEXT, MARIN SAID HE HAD CHOSEN WORDS CAREFULLY AND REITERATED THAT MEXICO DID NOT BELIEVE TEXT SHOULD BE SENT TO UNGA. WHEN PRESSED FURTHER WHETHER MEXICO WOULD ACTUALLY STAND IN WAY OF TEXT THAT HAD BROAD, THOUGH NOT UNANIMOUS, SUPPORT IN CCD, HE SAID PERHAPS CCD REPORT COULD STATE THAT "MANY" CCD MEMBERS HAD AGREED TO TRANSMIT TEXT. OUR INTERPRETATION OF THESE REMARKS IS THAT, WHILE MEXICO WILL TRY TO CONVINCE OTHERS THAT TEXT SHOULD NOT BE REGARDED AS SUITABLE FOR ENDORSEMENT BY UNGA AND THEREFORE SHOULD NOT BE TRANSMITTED, IT WILL ULTIMATELY AGREE TO SOME PROCEDURAL FORMULA PERMITTING TRANSMITTAL BUT WITHOUT SEEMING TO IMPLICATE MEXICO IN DECISION).

6. FROM SOUNDINGS TAKEN BY US DEL, IT SEEMS VERY LIKELY THAT INDIA, SWEDEN, BRAZIL, IRAN AND BURMA AMONG NON-ALIGNED, ROMANIA AND NETHERLANDS (WHICH HAD ACTIVELY CRITICIZED DRAFT PREVIOUSLY), AND REMAINING US AND SOVIET ALLIES WILL BE PREPARED TO ENDORSE CONTENTS OF AD REFERENDUM AGREEMENT AS WELL AS TO JOIN CONSENSUS FOR TRANSMITTING IT TO UNGA. WHETHER SUCH OTHER NON-ALIGNED DELEGATIONS AS YUGOSLAVIA, NIGERIA, PAKISTAN, AND PERU WILL RESERVE ON THE CONTENTS OF THE TEXT IS DIFFICULT TO PREDICT AT THIS TIME, ALTHOUGH NONE WOULD BE EXPECTED TO BLOCK PROCEDURAL DECISION ON TRANSMITTAL TO UNGA.

7. NEITHER MEXICO NOR ARGENTINA HAS GIVEN ANY INDICATION OF HOW THEY MIGHT PLAN TO DEAL WITH MATTER THIS FALL AT UNGA. AMONG POSSIBILITIES ARE SIMPLY STATING WHY THEY CANNOT GO ALONG
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WITH AGREEMENT; INTRODUCING RESOLUTION URGING THE CCD TO RESUME NEGOTIATIONS IN SPRING 1977 (SUCH A RESOLUTION WOULD COMPETE WITH RESOLUTION SPONSORED BY TREATY'S SUPPORTERS, WHICH WOULD ENDORSE AGREEMENT AND CALL FOR OPENING IT FOR SIGNATURE); OR EVEN ATTEMPTING TO ALTER THE TEXT IN FIRST COMMITTEE DEBATE.

8. THOSE ALLIED, SOVIET BLOC AND MODERATE NON-ALIGNED DELS THAT WE CONSULTED ON ADVISABILITY OF SENDING COMPLETED TEXT TO UNGA DESPITE POSSIBILITY OF ARGENTINE-MEXICAN CAMPAIGN TOOK THE VIEW THAT RISKS WERE ACCEPTABLE. SEVERAL POINTED OUT THAT NO AGREEMENT NEGOTIATED BY CCD HAD RECEIVED UNANIMOUS SUPPORT IN COMMITTEE, THAT IN THE PAST SOME MEMBERS (INCLUDING MEXICO) RESERVING THEIR POSITIONS HAD CAMPAIGNED AGAINST THE AGREEMENT IN QUESTION IN NEW YORK,

AN THAT, DESPITE THESE EFFORTS, IN EACH CASE A RESOLUTION
COMMENDING THE AGREEMENT HAD BEEN ADOPTED BY THE ASSEMBLY
BY ACCEPTABLE, ALTHOUGH NOT OVERWHELMING, MARGINS.

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INFO OCT-01 ISO-00 ACDE-00 AF-08 ARA-06 CIAE-00 DODE-00

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OES-06 SS-15 USIA-06 SAJ-01 FEA-01 /124 W

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 6871

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9. FOLLOWING IS DESCRIPTION OF HOW PRINCIPAL SUBSTANTIVE
ELEMENTS OF TEXT WERE HANDLED AT AUG 26-27 WORKING GROUP
MEETINGS:

(A) "LIMITEING" WAS REPLACED BY "HALTING" IN 1ST PRE-

AMBULAR PARA.

(B) AT REQUEST OF ROMANIA, NEW PREAMBULAR PARA WAS ADDED
("DETERMINED TO CONTINUE NEGOTIATIONS WITH A VIEW
TO ACHIEVING EFFECTIVE PROGRESS TOWARDS FURTHER
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MEASURES IN THE FILED OF

DISARMAMENT"). ROMANIA AGREED, AT US AND SOVIET IN-
SISTENCE, TO DROP CONCLUDING PHRASE "PARTICULARLY NUCLEAR
DISARMAMENT" FROM FORMULATION ORIGINALLY PROPOSED.

(C) AS PART OF COMPROMISE PERMITTING RETENTION OF ORIGINAL
ARTICLE I LANGUAGE, US DEL AGREED TO DELETE "WIDESPREAD,
LONG-LASTING, OR SEVERE" FROM 6TH PREAMBULAR PARA (OF
NEW TEXT) AND TO CHANGE PARA TO READ: "RECOGNIZING, HOWEVER,
THAT MILITARY OR ANY OTHER HOSTILE USE OF SUCH TECHNIQUES
COULD HAVE EFFECTS EXTREMELY HARMFUL TO HUMAN WELFARE."
AT US REQUEST, FRG DROPPED ITS PROPOSAL TO DELETE
"MILITARY OR ANY OTHER."

(D) ALSO AS PRT OF COMPROMISE ON ARTICLE I, PENULTIMATE
PREAMBULAR PARA WAS CHANGED TO READ: "DESIRING
TO PROHIBIT EFFECTIVELY MILITARY OR ANY OTHER HOSTILE
USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES
IN ORDER TO ELIMINATE THE DANGERS TO MANKIND
FROM SUCH USE, AND AFFIRMING THEIR WILLINGNESS TO WLRK
TOWARDS THE ACHIEVEMENT OF THIS OBJECTIVE." WHILE
SOME NON-ALIGNED DELS HAD CALLED FOR COMMITMENT TO ENGAGE
IN FURTHER NEGOTIATIONS ON COMMITMENT TO ENGAGE
IN FURTHER NEGOTATIONS ON COMPREHENSIVE ENMOD BAN, US DEL
ARGUED THAT "EFFECTIVE PROHIBITION" (INCLUDING ELEMENT OF
VERIFICATION) WOULD NOT NECESSARILY INVOLVE A COMPLETE
BAN OR REQUIRE FURTHER NEGOTIATIONS. COMPROMISE LANGUAGE
WAS SUBSEQUENTLY WORKED OUT THAT EXCLUDED EXPLICIT
REFERENCE TO COMPREHENSIVE PROHIBITION AND
FURTHER NEGOTIATIONS.

(E) LANGUAGE OF ARTICLE I WAS LEFT INTACT. JAPAN AND SWEDEN
AGREED NOT TO PRESS FOR BAN ON THREAT OF USE. AFTER LENGTHY
DEBATE IN WORKING GROUP, YUGOSLAVIA, ROMANIA, NIGERIA, AND
NETHERLANDS INDICATED THEY WOULD NOT INSIST ON PROPOSAL TO
DROP "PARTY" FROM "STATE PARTY", WHICH WOULD HAVE EXTENDED
UNDERTAKING TO ALL STATES, WHETHER OR NOT PARTY TO
CONVENTION. (MEXICO AND ARGENTINA CONTINUED TO
ADVOCATE DELETION OF "PARTY", BUT CLEARLY WOULD NOT
SUPPORT ARTICLE EVEN IF THIS WERE DONE).

(F) AT INSTANCE OF US DEL, ROMANIA PROPOSED PLACING
INTERPRETATIONS OF TERMS "WIDESPREAD," "LONG-LASTING,"
AND "SEVERE" STATED TO BE INTENDED
FOR THIS CONVENTION ONLY, IN AN AGREED
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UNDERSTANDING THAT WOULD BE RECORDED IN THE REPORTS OF THE WORKING GROUP AND CCD, RATHER THAN IN AN ARTICLE OR ANNEX OF THE CONVENTION. PROPOSAL WAS ACCEPTED WITHOUT MUCH DEBATE, ALTHOUGH SOME DELS, SUCH AS NETHERLANDS, THAT HAD SUPPORTED GIVING INTERPRETATIONS GREATER LEGAL STATUS EXPRESSED REGRET. ON OTHER HAND, A NUMBER OF DELS WERE CLEARLY SATISFIED THAT THE STATUS WOULD BE REDUCED, ALTHOUGH FOR DIFFERENT REASONS.

(G) DRAFT COMMITTEE UNDERSTANDING ON ILLUSTRATIVE LIST OF PHENOMENA RELATING TO ARTICLE II DEFINITION, SUBMITTED BY US DEL IN WORKING GROUP AUG 23

(GENEVA 6719), WAS ACCEPTED WITH MINOR MODIFICATIONS. NO DELEGATION SUGGESTED ADDITIONS TO THE ILLUSTRATIVE LIST, ALTHOUGH ARGENTINA STATED THAT ITS POSITION ON ARTICLE I APPLIED TO THIS AGREED UNDERSTANDING AS WELL.

(H) IN ACCORDANCE WITH STATE 202814, US DEL WENT ALONG WITH FOLLOWING FORMULATION FOR SECOND SENTENCE OF ART. III, PARA TWO: "STATES PARTY TO THE CONVENTION IN A POSITION TO DO SO SHALL CONTRIBUTE, ALONE OR TOGETHER WITH OTHER STATES OR INTERNATIONAL ORGANIZATIONS, TO INTERNATIONAL ECONOMIC AND SCIENTIFIC COOPERATION IN THE PRESERVATION, IMPROVEMENT, AND PEACEFUL UTILIZATION OF THE ENVIRONMENT, WITH DUE CONSIDERATION FOR THE NEEDS OF THE DEVELOPING AREAS OF THE WORLD." US DEL INDICATED IT COULD ACCEPT FORMULATION, WHICH IS BASED ON ORIGINAL MEXICAN LANGUAGE (BUT MINUS KEY ELEMENT OF "PROMOTING") AND HAD RECEIVED WIDE SUPPORT IN COMMITTEE, AFTER YUGOSLAV DELOFF TOLD US THAT ON THIS BASIS HE WOULD NOT INSIST ON PROPOSAL TO DROP "PARTY" FROM ARTICLE I AND NIGERIAN REP (CLARK) TOLD US U.S. ACCEPTANCE OF ART III LANGUAGE WOULD ENABLE HIM TO RECOMMEND HIS GOVT'S SUPPORT OF CONVENTION AS A WHOLE.

(I) AS ADDITIONAL ELEMENT OF COMPROMISE PACKAGE PERMITTING RETENTION OF ART I LANGUAGE, US DEL, IN ACCORDANCE WITH AUTHORIZATION PROVIDED IN STATE 183436 (PARA 2), WENT ALONG WITH FOLLOWING FORMULATION IN NEW ART VIII DESCRIBING RESPONSIBILITIES OF REVIEW CONFERENCES: "THE CONFERENCE SHALL REVIEW THE OPERATION OF THE CONVENTION WITH A VIEW TO ENSURING THAT ITS PURPOSES AND PROVISIONS ARE BEING REALIZED, AND SHALL, IN PARTICULAR, CONFIDENTIAL

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EXAMINE THE EFFECTIVENESS OF THE PROVISIONS OF PARA I OF ART I IN ELIMINATING THE DANGERS OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES." ALTHOUGH INDIA

HAD PROPOSED PLACING SUCH A PROVISION IN ART I, US DEL ARGUED SUCCESSFULLY THAT ITS INCLUSION IN REVCON ARTICLE WAS MORE APPROPRIATE. US ACCEPTANCE OF THIS ADDITION WAS INSTRUMENTAL IN ENSURING ACCEPTANCE BY KEY DELS (YUGOSLAVIA, ROMANIA, PAKISTAN) OF TERMS "WIDESPREAD, LONG-LASTING, OR SEVERE" IN AD REFERENDUM TEXT. (J) AT NIGERIAN REQUEST, COMMITTEE ACCEPTED FOLLOWING AGREED UNDERSTANDING CONCERNING POSSIBILITY OF CONSIDERING TREATY AMENDMENTS AT REVIEW CONFERENCES: "IT IS THE UNDERSTANDING OF THE COMMITTEE THAT A PROPOSAL TO AMEND THE CONVENTION MAY ALSO BE CONSIDERED AT ANY CONFERENCE OF PARTIES HELD PURSUANT TO ART VIII. IT IS FURTHER UNDERSTOOD THAT ANY PROPOSED AMENDMENT THAT IS INTENDED FOR SUCH CONSIDERATION SHOULD, IF POSSIBLE, BE SUBMITTED TO THE DEPOSITARY NO LESS THAN 90 DAYS BEFORE THE COMMENCEMENT OF THE CONFERENCE." SEVERAL DELEGATIONS POINTED OUT THAT NOTHING IN ORIGINAL TEXT PRECLUDED CONSIDERATION OF AMENDMENT PROPOSALS AT REVCONS, BUT CLARK INSISTED ON SOME EXPLICIT RECOGNITION OF THIS. HE PROPOSED LANGUAGE FOR INCLUSION IN ARTICLE ON AMENDMENT PROCEDURES OR IN REVCON ARTICLE, BUT WENT ALONG WITH IDEA OF A COMMITTEE UNDERSTANDING WHEN CO-SPONSORS INDICATED THEIR OPPOSITION TO AMENDING TREATY TEXT.

10. COMMENT AND RECOMMENDATION: ACCEPTANCE OF MODIFICATIONS IN PREAMBLE, IN ART III ON PEACEFUL USES, AND IN ART VIII ON REVIEW CONFERENCES HAS ENABLED US TO ACHIEVE AD REFERENDUM AGREEMENT AMONG MOST CCD DELS FOR ORIGINAL LANGUAGE OF ART I, PRESERVING SCOPE OF TREATY WHICH IS FUNDAMENTAL TO US POSITION. WE CONSIDER RESULTING COMPLETE AD REFERENDUM TEXT TO BE CONSISTENT WITH DEL'S GENERAL GUIDANCE ON ENMOD CONVENTION, AS WELL AS WITH SPECIFIC INSTRUCTION ISSUED TO DEAL WITH CHANGES PROPOSED BY OTHERS. RETENTION OF ART I LANGUAGE PROBABLY GUARANTEES OPPOSITION, LED BY MEXICO AND ARGENTINA AT THE GENERAL CONFIDENTIAL

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ASSEMBLY THIS FALL. HOWEVER, WE BELIEVE MODIFICATIONS ACCEPTED BY US DEL AT AUG 27 ENMOD WORKING GROUP MEETING (PARTICULARLY ON REVCON AND PEACEFUL USES) SHOULD IMPROVE NON-ALIGNED ATTITUDE TOWARD CONVENTION SIGNIFICANTLY, THUS LOWERING RISKS OF DAMAGING UNGA ACTION BY INCREASING PROSPECTS THAT RESOLUTION ENDORSING CONVENTION WOULD ENJOY ACCEPTABLY BROAD SUPPORT. US DEL THEREFORE REQUESTS AUTHORIZATION, BY OPENING OF BUSINESS SEPT 1, TO ACCEPT AD REFERENDUM TEXT. CATTO

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